

REMARKS/ARGUMENTS

Claims 1-14 and 31-33 are pending herein. Claims 1-6, 13 and 14 have been withdrawn from consideration by the PTO as being drawn to non-elected species, but are being maintained in the present application. Claims 32 and 33 have been amended as supported by, for example, Figs. 18-22 of the present application.

Examiner Quan is thanked for courtesies extended to Applicants' representative (Steven Caldwell) during a telephonic interview on April 21, 2004 and during multiple telephonic interviews on April 26, 2004. During one of the April 26, 2004 interviews, Examiner Quan, with the approval of her supervisor, SPE Warden, agreed to withdraw all of the rejections of record. The following remarks are a summary of the arguments presented by Applicants' representative during the above-mentioned telephonic interviews and in prior responses to PTO Office Actions, as requested by Examiner Quan and SPE Warden.

1. Claims 7, 31, 32 and 33 were rejected under §103(a) over Barth et al. in view of Dubrow et al. As discussed above, the PTO agreed to withdraw this rejection during a telephonic interview on April 26, 2004, but requested that Applicants reiterate the arguments of record.

Fig. 18 of the present application illustrates one embodiment of the claimed dispenser. Pending independent claims 7 and 31 each recite, among other things, that the dispenser includes a plurality of arranged micropipettes having a pouring port into which a sample solution is supplied. A holding section 160 for holding a pipette 142 is provided at a circumferential edge of the micropipette pouring ports. Pending independent claims 7 and 31 recite that each holding section 160 is separately attached on an outer portion of the substrate at or proximate a circumferential edge of a respective one of the pouring ports.

Pending independent claims 32 and 33 have each been amended to clarify that each holding section 160 is separately attached on an outer portion of the substrate at or proximate a circumferential edge of a respective one of the pouring ports. The benefits attributable to the "separately attached" holding section feature are discussed on page 7 of the September 24, 2003 Amendment.

The PTO states at the top of page 5 of the Office Action that "the terms separately attached appears to be directed toward a method of making, which is accorded no patentable weight in device/apparatus claims." It is clear, however, that the claim limitation "each said holding section being separately attached on an outer portion of said substrate at or proximate a circumferential edge of a respective one of said pouring ports" appearing in each of independent claims 7 and 31-33 limits the structure of the claimed dispenser and, therefore, is not a process limitation, as alleged by the PTO in the Office Action. That is, each holding section is separately attached (i.e., the holding sections are independent from one another) at the circumferential edge of each pouring port. As such, for the reasons discussed below and during the interviews, even if Barth and Dubrow were combined as asserted in the Office Action, there would still be no disclosure or suggestion that *each holding section is separately attached at the circumferential edge of each pouring port*, as claimed.

It is undeniable that Barth does not disclose a holding section or a holding section having a tube for receiving a pipette, as claimed. Nor does Dubrow disclose the claimed "separately attached" holding section on each pouring port feature. With reference to Fig. 2(F) of Dubrow, for example, it is clear that apertures 206 are collectively formed in a single cover plate 200. Indeed, Dubrow discloses that apertures 206 are integrally formed in the cover layer by an injection molding process (see Dubrow page 8, line 66 – page 9, line 16). As explained during the telephonic interviews, this type of structure is disadvantageous

because the bottom portion of upper plate 200 and the top portion of upper body 102 form a channel through which the sample solution is drawn by capillary action from one aperture 206 into adjacent apertures 206 to cause unwanted cross-contamination of the sample solution contained in Dubrow's ports 106.

In view of the foregoing, if Barth and Dubrow were combined as asserted in the Office Action (Applicants submit that skilled artisans would not have been motivated to do this), each aperture 206 would not be separately attached (i.e., independent from other apertures 206) at the circumferential edge of each of Barth's ports 21 (e.g., shown in Fig. 1(C) of Barth). Again, Dubrow discloses that the cover layer is an injection molded part (i.e., a single, one-piece part including multiple apertures 206 integrally formed therein).

Nor has the PTO cited to any factual evidence in either of Barth or Dubrow showing that skilled artisans, absent viewing Applicants' own disclosure, would have been motivated to essentially cut Dubrow's cover layer 200 into separate parts to obtain individual aperture units and then use the aperture units to modify Barth to include a separate holding section on each port, as claimed. In the absence of hindsight, there simply is no suggestion in the applied prior art references to make such a modification.

In view of all of the foregoing, reconsideration and withdrawal of the §103(a) rejection over Barth in view of Dubrow are respectfully requested.

2. Claims 8 and 12 were rejected under §103(a) over Barth et al. in view of Dubrow and further in view of Douglas or Higashino or Hara. Claim 9 was rejected under §103(a) over Barth in view of Dubrow and further in view of Hara and/or Gautsch. Claim 10 was rejected under §103(a) over Barth in view of Dubrow and further in view of Shimada. Claim 11 was rejected under §103(a) over Barth in view of Dubrow and further in view of Nakano. As discussed above, during one of the April 26, 2004 telephonic interviews, the

PTO agreed to withdraw the rejections of pending claims 7 and 31-33. Since claims 8-12 depend directly from one of pending claims 7 and 31, those dependent claims are also allowable over the applied prior art.

3. Claims 7, 8, 12 and 31 were rejected under §103(a) over Barth in view of Hara in paragraph 9 of the Office Action. Claims 7, 10 and 31-33 were rejected under §103(a) over Barth in view of Shimada in paragraph 10 of the Office Action. As discussed above, during one of the April 26, 2004 telephonic interviews, the PTO agreed to withdraw these rejections, but requested that Applicants reiterate the arguments of record. The discussions of Shimada and Hara are combined since both are assigned to Seiko Epson Corporation and disclose substantially the same cartridge structure relied upon by the PTO in rejecting the claims.

With reference to Fig. 3 of Hara, the PTO alleges in paragraph 14 on page 14 of the Office Action that the ink supply port extends from the area near seal 16 to the area near filter 18 and corresponds to the claimed holding section. The PTO further contends that packing member 115 fits into the holding section and corresponds to the claimed tube for receiving a pipette. It is clear, however, that there is no holding section "separately attached" on an outer portion of the substrate at or proximate a circumferential edge of the ink supply port (i.e., the terminal portion of ink supply port 182 near seal 16). Actually, as is shown in Hara's Fig. 3, the ink supply port 182 is one, integral piece included in the overall structure of the substrate. As such, even if Hara or Shimada, which, again discloses substantially the same structure as Hara, were combined with Barth as asserted in the Office Action, there would still be no disclosure or suggestion of a "separately attached" holding section, as claimed. The PTO's own interpretation of the structure shown in Hara's Fig. 3 confirms this fact.

In view of all of the foregoing, reconsideration and withdrawal of the 103(a) rejections over Hara and Shimada are respectfully requested.

4. Claim 7 was rejected under §103(a) over Barth in view of Raman. As discussed above, during one of the April 26, 2004 telephonic interviews, the PTO agreed to withdraw this rejection, but requested that Applicants reiterate the arguments of record.

With reference to Fig. 3 of Raman, the PTO alleges on page 13 of the Office Action that ink feed tube 24 corresponds to the claimed holding section for holding a pipette.

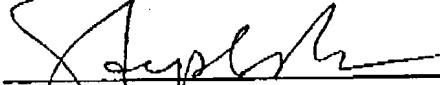
Raman's Fig. 3, however, shows nothing more than an artist's rendition of the terminal end of ink feed tube 24. It is clear that ink feed tube 24 is not a holding section and that skilled artisans would readily understand that one end of the ink feed tube 24 is connected to an ink supply or reservoir and the other end of ink feed tube 24 supplies ink to the ink jet printhead. That is, Raman's Fig. 3 does not disclose or suggest that ink feed tube 24 includes an open-end portion for holding a pipette, as appears to be the PTO's position in the Office Action. Nor has the PTO cited to any factual evidence in Raman that would motivate one to essentially cut ink feed tube 24 near the end of the ink feed tube that is positioned on the ink-jet printhead. There is simply no disclosure in Raman that would motivate one to do this, especially since the ink feed tube is designed to deliver ink from the ink supply into the ink jet print-head.

In view of all of the foregoing, reconsideration and withdrawal of the §103(a) rejection over Barth in view of Raman are respectfully requested.

If Examiner Quan believes that further contact with Applicants' attorney would be advantageous toward the disposition of this case, she is herein requested to call Applicants' attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,


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